



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,295	12/22/2000	Spencer A. Rathus	660-030	3543

7590
Ward & Olivo
382 Springfield Avenue
Summit, NJ 07901

03/31/2003

EXAMINER

LE, THIEN MINH

ART UNIT PAPER NUMBER

2876

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,295

Applicant(s)

RATHUS ET AL.

Examiner

Thien M. Le

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 168-227 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 168-227 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The preliminary amendment filed on 11/22/2000 has been entered. Claims 1-167 have been canceled. Newly added claims 168-227 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 168-171 and 203, are rejected under 35 U.S.C. 102(b) as being anticipated by Wellner (Wellner – 5,640,193).

Wellner discloses a system that allows multimedia service access by reading marks on an object. Specifically, Wellner discloses a scanner 11 for reading bar codes [see summary of the invention, col. 2]. The scanned data is decoded into a request and communicated to server 13 for handling the decoded request. In col. 4, lines 30-35, Wellner discloses that the bar codes work similar to URL identifiers. Figure 2 of Wellner shows the use of a bar code reader, a catalog 10, a communication network for retrieving encoded information, and a display system for displaying information to a reader.

According to Wellner, it is contemplated that each photograph or advertisement in a newspaper, magazine, or catalog can be accompanied by a printed bar code or

alphanumeric ID. In order to retrieve the associated multimedia document, a user scans the printed ID with the scanner or pen (11), and the movie, product information, or game immediately starts to play. A variety of catalogs can be published (by the service provider or by third parties) catering to individual interests, e.g., old movies, horror films, or multi-user interactive games. Newspaper advertisements, magazines, books and pamphlets can also include these printed marks just as they now use phone numbers. Home shopping retailers can provide specialty catalogs. Distance learning applications can put printed marks into text books (which also embrace the text books for academic purposes).

As can be seen, Wellner discloses the claimed invention.

Claims 168 and 203 are rejected under 35 U.S.C. 102(b) as being anticipated by Withmall et al. (herein after Withmall – 4,488,035).

Withmall discloses a passenger-carrying vehicle (for example a bus) in a passenger transport system is equipped with a ticket reader (18) capable of optically reading information printed on a ticket (10) in bar-code and determining whether or not the ticket is valid. A ticket-printer (16) is provided for issuing bar-coded tickets, and both the reader (18) and the printer (16) are microprocessor-based and associated with a memory (14). Fare-table data is stored in the memory (14a), for reference by the ticket-issuing means, data is stored in the memory (14b) for reference by the ticket-checking means, and both the issuing means and the checking means can communicate information to the memory (14c) and (14d) to enable data concerning tickets handled to be stored for subsequent retrieval for management purposes.

According to Withmall, the bar code comprises a code by which information (e.g. a sequence of digits) can be presented in an optically-machine-readable form, each of a plurality of basic elements which are available to constitute the information in code being represented by a uniquely arranged group of marks, or spaces between marks, the marks being in the general form of bars. Withmall also discloses that it becomes practicable to install automatic ticket-checking equipment on passenger-carrying vehicles (even on buses), and to provide for a through-ticketing system which can accommodate the complexities of a passenger transport system of substantial size.

Withmall discloses, in a preferred arrangement, that the ticket-checking means is capable of assessing the validity of a ticket by reading information presented to it in a bar-code form on the ticket and comparing the read information with reference information to which it has access. Specifically, the portable ticket -inspecting means comprises an inspection handset 24 which is adapted to be carried within the bus and enables an inspector to check tickets for validity. The portable handset is adapted to read information presented to it on a ticket in bar-code, and is capable of displaying information read from the ticket in a form which can be read by the inspector. The handset is battery-powered and comprises optical bar-code reading means, a microprocessor with programmable memories, a keypad and an illuminated display. The memory of the handset can be programmed with sufficient travel information to enable it to check the validity of tickets presented. Though Withmall discloses data-storing means whereby the reference information can be stored locally, he also discloses that the use of a radio data link might be possible to refer to information

stored elsewhere. The system also includes an up-dating means, whereby the reference information can be modified as the vehicle travels, can in a bus, for example, comprise a fare-stage up-date key to be operated by the driver.

Regarding claim 168, since a ticket is a form of printed matter, the aforementioned system and method as taught by Withmall would embrace all limitations set forth in this claim.

Regarding claim 203, see the discussions above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 169-171 are rejected under 35 U.S.C. 103(a) as being unpatentable over Withmall (Withmall – 4,488,035; cited above) in view of the general teachings of the prior art of record, [in particular Cassannas et al., herein Cassannas – 4,492,164); Norman – 5,126,547); and Drillick – 4,813,350].

Regarding claims 169-171, see the discussions above. The claims differ in calling for the use various type of printed documents such as a newspaper. It would have been obvious to incorporate Withmall's teachings on other type of printed documents. Without any unexpected results, the modification is merely an extension of Withmall's teachings to other applications which would be well within skill levels and expectations of an ordinary skilled artisan. References Cassanna, Norman and Drillick are cited as some evidence showing the conventionality of the use one type of commercial document in place of another type of commercial document.

Cassannas describes commercial documents as cheques, bills for exchange, order forms, bills to be protested, etc.

Norman describes commercial instruments as checks, drafts, credit card receipts, bank deposit slips, etc.

Drillick describes commercial documents as checks, invoice forms, money orders, the individual documents are frequently and preferably pre-printed with the conventional information and indicia arranged thereon, with the exception being the imprinting of sequentially arranged numerical or alpha-numerical indicia.

Claim 172-202, are rejected under 35 U.S.C. 103(a) as being unpatentable over Withmall (Withmall – 4,488,035; cited above) in view of the general teachings of the prior art of record, (in particular Thacher – 5,083,271; Ertz – 5,003,577; Plummer – 4,992,824].

Regarding claims 172-202, see the discussions above. Though Withmall discloses the use of a data link, he is silent whether it is used to carry data, video, image, shopping data, online shopping data, etc. It would have been obvious to incorporate to replace one type of data link with another type of data link. Without any unexpected results, the modification is merely an extension of Withmall's teachings to other applications which would be well within skill levels and expectations of an ordinary skilled artisan. References to are cited as evidence showing the conventionality of the use one type of data link in place of another type of data link.

Thacher describes data links as local area networks, data links such as time or frequency shared CATV cable, telephone line videotext channel, etc.

Ertz describes data links as voice links, ISDN, DCP, etc.

Plummer discloses the use of a data link to transmit image and video information.

- Art Unit: 2876

Claims 204-227 are rejected under 35 U.S.C. 103(a) as being unpatentable over Withmall (Withmall – 4,488,035; cited above) in view of the general teachings of the prior art of record, [in particular Konishi – 5,237,156; Younger – 5,151,687].

Regarding claims 204-227, see the discussions above. Though Withmall discloses the use of a bar code, he is silent about the use of other form of code such as a watermark, an invisible barcode, a magnetic code, a printer character, a invisible icon, etc. Official Notice is taken that the use of a watermark , a magnetic code, a printed character, an icon, etc., as a data input source are notoriously well known and old. Without any specific and unexpected result, replacing one source of input with another known source of input would have been design consideration; and would have not been considered novel. Further, references to Konishi and Younger are cited as evidence showing the interchangeability of one type of coding media with another.

Specifically, Konishi discloses a scanner for scanning bar codes, magnetic characters or OCR.

Younger acknowledges several methods of identifying media-taped material subject category, including descriptive words, mnemonics, numeric codes, bbreviations, symbols, or icons.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien M. Le whose telephone number is (703) 305-

Application/Control Number: 09/747,295

Art Unit: 2876

3500. The examiner can normally be reached on Monday - Friday from 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5841 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Le, Thien Minh
Primary Examiner
Art Unit 2876
March 15, 2003